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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,849	05/09/2001	Bruce R. David	10420/12	3674

757 7590 01/25/2008  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER
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CADUGAN, ERICA E

ART UNIT	PAPER NUMBER
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3722

MAIL DATE	DELIVERY MODE
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01/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex Parte* BRUCE R. DAVID and WILLIAM J. RUSHIN

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Application 09/851,849  
Technology Center 3700

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on October 29, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:


The Examiner has failed to list prior art relied upon in the rejections currently on appeal under the heading “**(8) Evidence Relied Upon**” in the Examiner’s Answer mailed April 14, 2006. The Examiner cites to *Merriam*

*Webster's Collegiate Dictionary* (10<sup>th</sup> ed.) for definitions of the words "through," "router," and "bearing" (Answer 5, 7, 11, 17, 21, 29, 35, and 46). See the *Manual of Patent Examining Procedure* (MPEP) § 1207.02(A)(8). Before further review, the Examiner must mail a PTOL-90 that will include in the amended "**Evidence Relied Upon section**," the list of all references mentioned and provide a copy of any NPL/Foreign reference which is not presently of record. See MPEP § 1207.02. Appropriate correction is required.

Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- (1) to issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, paragraph (8);
- (2) to provide a copy of any NPL/Foreign document that is relied upon and not presently of record; and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

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PJN:hh